

PTO/SB/30 (10-07)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number 10/698,010

Filing Date October 30, 2003

First Named Inventor Michael E. Landry

Art Unit 3733

Examiner Name Swiger III, OFFICE OF PETITIONS

Attorney Docket Number 5259-10700USO2

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☒ Other See 1 in Addendum

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

b. ☒ Other Petition to Withdraw Patent From Issue Under 37 CFR 1.313(c)

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 01-0025. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Petition Fee Required Under 37 CFR 1.17(h)

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>[Signature]</i>	Date	October 29, 2007
Name (Print/Type)	Michael L. Woods	Registration No.	50,811

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Karen R. Smith</i>	Date	October 29, 2007
Name (Print/Type)	Karen R. Smith		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/30/2007 CKHLOK 00000013 010025 10698010

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## **Addendum**

1. **Petition to Withdraw Patent From Issue Under 37 CFR 1.313(c)**

Abbott

MICHAEL WOODS  
100 Abbott Park Road  
D-377, AP6A-1  
Abbott Park, IL 60064-6008

t 512-533-1945  
f 512-597-4275



Fax

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OCT 29 2007

OFFICE OF PETITIONS

DATE: October 29, 2007  
TO: Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: 571-273-0025  
FROM: Karen R. Smith  
TOTAL PAGES: 17 (including cover)

## COMMENTS:

Applicant(s): Landry, *et al.*  
Serial No.: 10/698,010  
Filed: October 30, 2003  
For: SPINAL STABILIZATION SYSTEMS AND METHODS USING MINIMALLY  
INVASIVE SURGICAL PROCEDURES  
Attorney Docket No.: 5259-10700USO2  
Examiner: Swiger III, James L.  
Group Art Unit: 3733

## Please find enclosed:

- 1) Request for Continued Examination (RCE), 2 pages (in duplicate);
- 2) Petition to Withdraw Patent From Issue Under 37 CFR \$1.313(c), 2 pages (in duplicate);
- 3) Information Disclosure Statement, 2 pages (in duplicate); and
- 4) Form PTO-1449, 2 pages (in duplicate)

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## **Addendum**

1. **Petition to Withdraw Patent From Issue Under 37 CFR 1.313(c)**